

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KATHLEEN P. MULLINIX,)
Plaintiff,)
v.) Civil Action No. 04-12684-WGY
KIKI BOGORAD-GROSS and)
LEONARD P. BOGORAD, As They)
Are Executors of the Will of)
Lawrence Bogorad,)
Defendants.)

)

**DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S COMPLIANCE WITH
DEFENDANTS' RULE 34 REQUEST FOR ENTRY UPON LAND**

Pursuant to Fed. R. Civ. P. 26, 34 and 37, Defendants Kiki Bogorad-Gross and Leonard Bogorad, as they are Executors of the Will of Lawrence Bogorad (collectively, "Defendants"), by their attorneys, Sullivan & Worcester LLP, hereby move the Court for an order compelling the Plaintiff, Kathleen P. Mullinix ("Plaintiff"), to comply with Defendants' Rule 34 Request for Entry Upon Land ("Rule 34 Request"). Plaintiff seeks to impose restrictions upon Defendants' Rule 34 Request that are both unreasonable and which run afoul of the Federal Rules of Civil Procedure. As a result of Plaintiff's failure to permit the Defendants' requested inspection, the Defendants are unable to adequately prepare for trial.

This Motion is supported by Defendants' Memorandum of Law in Support of its Motion to Compel with exhibits attached thereto.

KIKI BOGORAD-GROSS and
LEONARD P. BOGORAD, as
they are the Executors of the Will
of Lawrence Bogorad,

By their attorneys,

March 2, 2006

/s/ Lisa M. Hodes

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FEDERAL RULE 26(c) AND LOCAL RULES 7.1(A)(2) AND 37.1 CERTIFICATE

Counsel for Defendants has made a good-faith effort to resolve this dispute without court action. Counsel for Defendants and counsel for Plaintiff have exchanged emails and have held multiple phone conferences, but have been unable to reach agreement.

/s/ Lisa M. Hodes

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 2, 2006.

/s/ Lisa M. Hodes